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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other legal professional associations (LPAs), as well as civil society organizations (CSOs). The sections below outline the follow-up activities and events carried out during February 2015 that built on the implementation of the training program.

1.2.1 Other Support for LPAs

European Law Students Association (ELSA)

Presentations of ELSA brochure

On February 27, the ELSA brochure on free legal aid, printed in January, was presented to law students at the South East European University (SEEU) in Tetovo. The second promotion of this brochure will take place on March 2, at the SEEU branch in Skopje. In addition to the presentation of the brochure, this event was used as an opportunity to present ELSA as an organization, its activities, and opportunities for law students and future events, with the aim of expanding ELSA's membership base.

Association for Emancipation, Solidarity and Equality of Women (ESE)

Domestic Violence Bench Book for Judges (Bench Book)

In February, the printing of the Bench Book was completed. JSP and ESE will distribute it to judges that handle domestic violence cases, as well as to social centers, shelters, Ministry of Interior, etc.

1.2.2 Broad-Based Coalition of LPAs

Rule of Law Council (ROLC) Public Awareness Campaign

In February, JSP and the contracted vendor McCann, continued preparations for the implementation of the ROLC public awareness campaign. The campaign was launched on February 26, with the presence of the Deputy Minister of Justice Ms. Biljana Brishkoska-Boshkovski, USAID Mission Director Mr. James Stein, and ROLC representative Ms. Ljupka Noveska. The event was covered by 18 media outlets (6 TV, 1 radio, 2 printed and 9 web-portals). The filming of the video-spot was finalized and was presented for the first time at the launching event.

The printing of 2000 posters and the 20,000 flyers was completed during the month. They will be distributed by the vendor to courts, public prosecution offices and penitentiaries according to the distribution plan provided by the JSP, along with the brochures for the general public and legal community, once the brochures are printed.

The brochure for the legal community was prepared by the vendor and submitted to the JSP for review. The vendor produced a revised version of the brochure, after a substantial comments and remarks provided by the INL and ROLC representatives. Currently, it is under review by the JSP.

ROLC Promotional Materials

The printing of the promotional leaflet for the ROLC was finalized in February. One thousand five hundred (1500) copies of the flyer were distributed to the ROLC founding members, and the remaining 1500 will be used for the media campaign.

The leaflet provides basic information on the formation, aims, and areas of work of the ROLC, as well as information about its membership and organizational structure. This leaflet will serve to promote the ROLC and will be used in the presentation of the ROLC before different stakeholders.

RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Judicial Branch Forum (JBF)

The eighth meeting of the JBF was held on February 11-12 in Mavrovo. Attendees included: President of the Judicial Council, Chief Justice of the Supreme Court (first participation in the JBF), the Presidents of the four appellate courts, the President of the Administrative Court, and the Director of the Academy for Judges and Public Prosecutors (Academy), the President of the MJA, and the President of the CSC.

After fruitful presentations and discussions, the following major conclusions were adopted:

- * Systematic trainings for the Law on Civil Procedure – The Supreme Court will provide nine trainings for all civil judges: six for the Skopje and Shtip appellate areas and three for the Bitola and Gostivar appellate areas. At the conclusion of these trainings, one roundtable will be organized for public notaries, private enforcement agents and attorneys to discuss their problems in implementation of the Law on Civil Procedure. The SC will inform the Academy and the Presidents of the Appellate Courts who will coordinate participants from their areas.
- * It is necessary to establish a system of consistent application of the law through the organization of trainings and forums on which the issues and dilemmas on concrete legal matters will be discussed. There is a need for establishing Jurisprudence Departments in the Appellate Courts, Administrative Court and High Administrative Court was identified. The judges in charge of jurisprudence in these departments should be excluded from the monthly quota system of evaluation. This will require amendments to the appropriate laws and bylaws.

- * Amendments to Article 50 of the Law on Courts, in which the mandatory character of the Judicial Code of Ethics will be introduced for all judges in the Republic of Macedonia, are needed.
- * Establish a committee consisting of: the JC President, a SC Justice, the Presidents of the Appellate Courts, as well as representatives from the Administrative Court and High Administrative Court. The committee will prepare amendments to the Law on Case Management that will be subsequently submitted to the Ministry of Justice for review and further action.
- * Enabling automatic data sharing between the first instance courts and the higher courts is necessary. The Forum will monitor the work of the committee established within the Body for Standardization of ACCMIS, in order to enable vertical connecting of the courts.

The organization of the ninth JBF meeting (tentatively scheduled for May 2015) will be transferred to the JC in an effort towards the long-term sustainability of the JBF.

2.1.2 Support Amending the Law on Case Management (LCM)

Following the January 14 meeting with Judge Stojance Ribarev, President of the Appellate Court Shtip, and the discussions at the eighth JBF regarding the difficulties in the implementation of the LCM, JSP will convene a meeting for drafting changes and amendments to the LCM. Consistent with the JBF conclusion, the JC President, a SC Justice, the Presidents of the Appellate Courts, as well as representatives from the Administrative Court and High Administrative Court have been invited. The working meeting is scheduled for March 4 at the JSP offices. The final draft amendments to the LCM will be submitted to the Ministry of Justice for their review and further processing. The JSP will organize two public discussion events at the appellate regions to obtain feedback from judges and practitioners.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Support establishment of Analytical Offices to perform applied research and analysis

On February 10, the JSP COP and Project Attorney met with the President of the Basic Court (BC) Skopje I, Court Administrator and Head of the Intake Office, to discuss the next steps establishing the Analytical Office of the Court. It was agreed that the BC Skopje I will send to the JSP the current systematization of the court departments and proposed job descriptions for the members of the Analytical Office. JSP will organize a working meeting to finalize the tasks of the Analytical Office, communication channels between the President and the Analytical Office, and the job descriptions of its members.

2.2.2 Provide support for implementation of two key elements of the strategic plan of the judiciary

In February, JSP started the necessary preparations to support the implementation of two key elements of the strategic plan of the Judiciary: provision of audio equipment and computers in six (6) additional courtrooms, to secure proper implementation of LCP; and upgrade of ABMS¹ to calculate cost per case.

¹ Automated Budget Management System of the courts

Procurement of the audio equipment

For procurement of the audio equipment, the JSP has approached the company ICS as the original vendor that procured and installed the SRS Femida systems in 80 civil courtrooms in RM and trained 300 judges in the usage of this recording equipment. JSP has secured the best and final offer from the vendor, ICS. The audio equipment should be installed by late April 2015.

ABMS upgrade to calculate cost per case

On February 20, JSP COP and DCOP met with Mr. Vlatko Danilov, Manager of BASME², Ms. Suzana Varnaliev, Court Administrator of the Basic Court Veles and Ms. Maja Hadzi-Kimova, IT administrator at the Court Budget Council (CBC), to discuss possibilities for the development of software for calculation of cost-per-case, its functionalities and benefits.

Participants' opinion is that a new module in the ABMS should be developed, which will be administered by the JC. This module should extract data from ABMS and ACCMIS. Mr. Danilov noted that it will be necessary to make advance changes in the courts' accounting procedures so that the software will generate exact information.

2.2.3 Finalization of the Supreme Court's Jurisprudence Bulletin (Bulletin)

On February 27, the printing of the Bulletin was finalized and 840 copies were presented to the SC for further distribution. It is envisioned that all judges (642) will receive a copy of the Bulletin. The SC will also use the Bulletin for self-promotion and presentation in its relations with similar institutions from the country and abroad.

The Bulletin is a compilation of 10-years (2004-2014) of jurisprudence of the SC. It includes the most important decisions of the Civil Department, Criminal Department and the Department for Trial within reasonable time. The Bulletin is of paramount importance for the work of the courts, since it will assist judges in decision-making by using SC legal opinions and decisions, thus will contribute in the harmonization of judicial practice and consistent application of laws.

² BASME implemented series of trainings for the courts on financial management, human resources management, projecting case workload, and calculating cost per case, in April-May 2014, supported by the JSP.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1 Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

3.1.1 Continue Training Opportunities for Judges with the Academy for Judges and Public Prosecutors (JTA)

Support Systematic Trainings on the Law on Civil Procedure (LCP) for all Civil Judges

Due to the busy schedule of the SC judge trainers, and delay in reviewing and approval of the draft training materials by the Civil Department of the SC (session postponed from February 9 to February 24), the date for the first LCP training was moved to March 19-20. The last and ninth training will be held on May 28-29. The Agenda was defined and will include six topics.

3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Develop Strategies for Differentiated Case Management (DCM) and Determine National Time Standards (NTS) for Different Case Types

The US expert, Mr. Woodward, who was engaged in January as a potential consultant for development of a case weighting methodology withdrew from the consultancy due to a misunderstanding of the scope of work and his appropriate expertise in this field. However, Mr. Woodward remains available for developing case complexity to streamline the assignment of cases to DCM tracks.

Therefore, JSP approached US expert, Mr. Ron Stout, as a potential consultant for development of a case weighting methodology. Mr. Stout is reviewing all of the relevant documents and in early March will confirm his availability. JSP intends to coordinate Mr. Stout's and Mr. Woodward's consultancies in late April/early May, since both will work with the same working group and will use similar resource materials.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Court Entrance Remodeling at the Basic Court (BC) Skopje II

In accordance with the RFP deadline of February 10, three companies submitted proposals for the remodeling of the entrances to BC Skopje II. On February 13, JSP completed the evaluation of proposals, selected the most successful bidder and finished the negotiations to provide best and final offer. It is expected that the procurement process will be completed and that the selected vendor will start the remodeling work in early March. According to the vendors' proposed timetables, the work will be completed 15 days after the contract is awarded. The remodeling will improve the court's main entrances and relocate the intake office so that it has a separate entrance and can provide better service to the public.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. SUMMARY OF ACTIVITIES PLANNED FOR MARCH 2015

The summary of activities planned for March 2015 is as follows:

- Implementation of the ROLC public awareness campaign;
- Complete the procurement process and begin the remodeling of BC Skopje II entrances;
- Conduct a presentation of the fourth ELSA thematic brochure on free legal aid in SEEU in Skopje, on March 2
- Hold a working meeting for drafting changes and amendments to the LCM, on March 4;
- Hold “Legal Career Path” discussion with ELSA, on March 4;
- Conduct two LCP trainings, on March 19-20, and March 26-27;
- Hold the promotion of the Judicial Ethics Code, on March 31;